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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/451,097	11/30/1999	SHUICHI WATANABE	0033-0630P	8589

7590

02/17/2004

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EXAMINER

LEE, RICHARD J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 02/17/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/451,097

Applicant(s)

WATANABE, SHUICHI

Examiner

Richard Lee

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-27 is/are pending in the application.
- 4a) Of the above claim(s) 5-14 and 19-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 15-18, 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2613

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 15-18, and 27 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Specification does not provide adequate support for the limitations “the frame feature value **is not originally contained within said image data**” as shown at claim 1, lines 9-10; and “the frame feature value **is not originally contained within said image data**” as shown at claim 15, lines 12-14.

At pages 16-18 of the amendment filed December 9, 2003, the applicant argues with reference to page 10 of the specification that there is adequate support of the claimed “... a frame feature value which is numerical representing quantity of a feature contained in a frame of image data, ... and is not a component of said image data.”. The Examiner is persuaded by such arguments and believes that there is adequate support for the feature “quantity of a feature contained in a frame” being calculated by the counting unit as described in the Specification. However, the applicant has failed to address where there is proper support for the limitation “and is not a component of said image data” as previously presented and the limitation “the frame feature value is not originally contained within said image data” as currently claimed.

Art Unit: 2613

3. Claims 1, 15-18, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For examples:

(1) claim 1, lines 9-10, the phrase "the frame feature value is not originally contained within said image data" as claimed is vague and indefinite in that it is not particularly understood how the frame feature value could represent a quantity of a feature contained in a frame of image data as claimed at lines 3-5 and not be originally contained within the image data; and

(2) claim 15, lines 12-14, the phrase "the frame feature value is not originally contained within said image data" as claimed is vague and indefinite in that it is not particularly understood how the frame feature value could represent a quantity of a feature contained in a frame of image data as claimed at lines 3-5 and not be originally contained within said image data.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashima of record (5,754,233) in view of Nagasaka et al of record (6,400,890).

Takashima discloses a compression encoding apparatus and recording apparatus and substantially the same image retrieval information storing apparatus as claimed in claims 1 and 27, comprising substantially the same a frame feature value generating unit (i.e., within 101 of Figure 11, and see column 15, lines 7-48) for generating a frame feature value which is

Art Unit: 2613

numerical information representing quantity of a feature contained in a frame of image data, wherein the frame feature value is calculated by analyzing statistics of motion vector information related to the image data (i.e., the scene changes are detected by exploiting motion vector detection operations performed by the motion estimation circuit 103 and calculating the sum of absolute values of residuals obtained at the time of motion vector detection, the exploiting of motion vectors with the calculation of sum of absolute values of residuals thereby providing the analysis of statistics of motion vector information, see column 15, lines 11-20, lines 32-67), the frame feature value generating unit generates the frame feature value based on the motion vector (see column 15, lines 7-48), and the frame feature value is not originally contained within the image data (i.e., the frame feature value as provided at the output of 101 is not originally contained within the image data); and coding information reading unit (i.e., within 103 of Figure 11) for reading motion vector information from the image data which is coded.

Takashima does not particularly disclose, though, a frame feature value storing unit being connected to the frame feature value generating unit for storing the frame feature value in correlating form with the frame of the image data as claimed in claim 1. However, Nagasaka et al teaches the conventional use of a frame feature value storing unit (i.e., 126 or 128 of Figure 2) for storing frame feature value in correlating form with the frame of the image data, and wherein the frame feature value storing unit (126 or 128 of Figure 2) is connected to the frame feature value generating unit (130 of Figure 2). Therefore, it would have been obvious to one of ordinary skill in the art, having the Takashima and Nagasaka et al references in front of him/her and the general knowledge of frame feature generation and storing, would have had no difficulty in providing the frame feature value storing unit 126 or 128 of Nagasaka et al to be connected to

Art Unit: 2613

the frame feature value generating unit 101 of Figure 11 of Takashima for the same well known buffering of data for timely processings and featured frame representation purposes as claimed.

6. Due to the above new grounds of rejections, the Examiner wants to point out that only pertinent arguments from the amendment filed December 9, 2003 will now be addressed.

Regarding the applicant's arguments at pages 22-23 of the amendment filed December 9, 2003 concerning in general that "... upon applicant's close review of Takashima it is discovered that what is used for detecting scene change in Takashima is the statistics (the sum of absolute values) associated with residuals of image signals obtained in detecting the motion vectors, not statistics of the motion vectors ... In other words, in Takashima the information used for detecting scene change is residuals of image signals obtained from detecting the motion vector, and the absolute values for the residuals are used for detecting the scene change. Therefore, Takashima is clearly different from the motion vector frame feature value of the present invention, which is calculated from statistics of the motion vector ...", the Examiner respectfully disagrees. As stated by the applicant, scene changes are detected in Takashima by using the statistics (the sum of absolute values) associated with residuals of image signals obtained in detecting the motion vectors. And it is submitted that this statistics as taught by Takashima nevertheless reads on the analysis of the statistics of the motion vectors as claimed.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2613

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE") (for informal or draft communications, please label "PROPOSED" or "DRAFT")

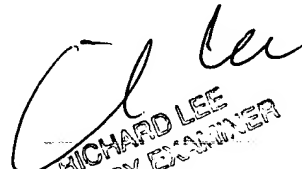
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.

Richard Lee/rl

2/13/04


RICHARD LEE
PRIMARY EXAMINER